

SENATE BILL 1109

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 38;  
Title 40 and Title 55, relative to persons with  
disabilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 50, Part 3, is amended by adding the following as a new section:

(a) Upon request by a person who has a developmental disability, or by a parent, guardian, or a conservator of a person with such a disability, when the department issues or renews a driver license or photo identification license to the person, the driver license or photo identification license shall have language or a symbol designed by the department, that indicates the person has a developmental disability. The language or symbol shall be displayed prominently on the license.

(b) A person who elects to have language or a symbol indicating a developmental disability on the person's license at the time of renewal or reissue shall pay the required license fee, check a box on the application stating the person has a developmental disability, and provide proof acceptable to the department of a diagnosis by a licensed physician of the developmental disability.

(c) For purposes of this section, "developmental disability" means a disorder or syndrome that:

(1) Is attributable to intellectual disability, cerebral palsy, autism or autism spectrum disorder, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome;

(2) Manifests before twenty-two (22) years of age; and

(3) Constitutes a substantial handicap that can reasonably be expected to continue indefinitely.

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 3, is amended by adding the following as a new section:

(a) Any law enforcement officer who interacts with a person who is a victim, witness, or suspect, or otherwise stopped by a law enforcement officer in relation to an offense or violation, and who exhibits characteristics of a developmental disability shall make a good faith effort to immediately contact the person's parent, guardian, or conservator regarding the interaction.

(b)

(1) A law enforcement officer shall, upon the request of a person diagnosed with a developmental disability or the person's parent, guardian, or conservator, make a good faith effort to ensure that a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, or related professional is present at all interviews with the person. The professional must have experience treating, teaching, or assisting patients or clients who have been diagnosed with a developmental disability or must be certified in special education with a concentration focused on persons with developmental disabilities.

(2) All expenses related to the attendance of the professional at interviews shall be borne by the requesting parent, guardian, conservator, or person. If the person is a victim, the defendant shall reimburse the victim for all expenses related to the attendance of the professional at the interview, in addition to other restitution or penalties provided by law, upon conviction of the offense of which the person is a victim.

(3) Failure to have a professional present at the time of the interview is not a basis for suppression of the statement or the contents of the interview or for a cause of action against the law enforcement officer or agency.

(4) This subsection (b) applies to such a person who is the victim, a suspect, or a defendant formally accused of a crime.

(c) Each law enforcement agency shall ensure that appropriate policies are developed that implement this section and that training is provided to law enforcement officers based on such policies.

(d) For purposes of this section, "developmental disability" means a disorder or syndrome that:

(1) Is attributable to intellectual disability, cerebral palsy, autism or autism spectrum disorder, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome;

(2) Manifests before twenty-two (22) years of age; and

(3) Constitutes a substantial handicap that can reasonably be expected to continue indefinitely.

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.